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## SENATE BILL No. 477

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-12-1.1.

**Synopsis:** Negligent sterilization. Prohibits the parent of a child, who was conceived and born healthy after the performance of a medical sterilization procedure, from suing for negligence. Also prohibits the child from suing.

**Effective:** July 1, 2002.

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January 14, 2002, read first time and referred to Committee on Judiciary.

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PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## SENATE BILL No. 477

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 34-12-1.1 IS ADDED TO THE INDIANA CODE  
2       AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2002]:

4       **Chapter 1.1 Negligently Performed Sterilization Procedures**

5       **Sec. 1. (a) This section applies only to the parents of a child who:**

6               (1) **was conceived after the performance of a medical**  
7               **sterilization procedure on the child's parent; and**

8               (2) **is born without significant health problems.**

9       **(b) A parent may not maintain a cause of action or receive an**  
10       **award of damages based on a claim that, but for negligence in the**  
11       **performance of a medical sterilization procedure, the female**  
12       **parent would not have:**

13               (1) **become pregnant after the performance of the medical**  
14               **sterilization procedure; and**

15               (2) **subsequently given birth to a child described in subsection**  
16               **(a).**

17       **Sec. 2. (a) This section applies only to an individual who:**



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1 (1) is conceived after the performance of a medical  
2 sterilization procedure on the individual's parent; and  
3 (2) is born without significant health problems.

4 (b) An individual may not maintain a cause of action or receive  
5 an award of damages based on a claim that, but for negligence in  
6 the performance of a medical sterilization procedure on the  
7 individual's parent, the individual would not have been born.

8 Sec. 3. (a) This chapter does not prohibit a cause of action by a  
9 parent or an award of damages to a parent based on a claim that  
10 a negligently performed medical sterilization procedure resulted  
11 in physical injury or death to the parent.

12 (b) This chapter does not prohibit a cause of action by an  
13 individual or an award of damages to an individual based on a  
14 claim that a negligently performed medical sterilization procedure  
15 on the individual's parent resulted in injury or death to the  
16 individual, following the individual's birth.

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